

FILED

FEB 01 2013

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE PETITION FOR	:	
REINSTATEMENT OF THE LICENSE OF	:	Administrative Action
	:	
KATHY L. HINES RN	:	FINAL ORDER
<i>NO 12028500</i>	:	OF DENIAL OF
TO PRACTICE NURSING	:	REINSTATEMENT
IN THE STATE OF NEW JERSEY	:	OF LICENSE

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kathy L. Hines ("Respondent") was initially licensed to practice as a Registered Professional Nurse in the State of New Jersey on April 30, 1999.

2. By Final Order of Discipline filed on May 7, 2010, Respondent's license to practice nursing was suspended "until she enrolled in the Recovery and Monitoring Program of New Jersey (RAMP) and RAMP has indicated that she is fit and competent to resume nursing practice; or until respondent has otherwise demonstrated that she is fit and competent to resume nursing practice." The basis of the Final Order was Respondent's conviction for aggravated assault on a police officer and two counts of resisting arrest, as well as her failure to fully respond to the Board's request for information

concerning the arrests and conviction. The Board considered the Statement of Reasons accompanying the judgment of conviction, which included the aggravating factors of Respondent's extensive prior criminal record (six previous arrests) and the fact that Respondent committed the more recent offenses while she was still on probation for some of the previous offenses. The Statement of Reasons also included a mitigating factor: "Whether Ms. Hines admitted or no[t], she was suffering from a mental disease which caused her to act this way."

3. On June 15, 2011, Respondent appeared in person at the Board office to request reinstatement of her license to practice. At that time, State Police were called to escort Respondent out of the building.

4. Respondent submitted a written petition for reinstatement of her license on or about January 30, 2012. Respondent's entire written submission consisted of the following documents:

A. A marked up copy of a two page June 21, 2011 letter from the Board to Respondent referencing her visit to the Board office on June 15, 2011 and indicating the need for an evaluative report from a Board-approved mental health practitioner as to Respondent's psychological fitness to practice;

B. A two page January 30, 2012 letter from Respondent to the Board requesting reinstatement of her license to practice

nursing;

C. A one page January 26, 2012 letter from Superior Court of New Jersey, Camden Vicinage, Probation Division, indicating that Respondent successfully completed probation on January 25, 2012;

D. A one page unsigned typed letter of support dated January 29, 2012 from Respondent's mother;

E. A one page unsigned typed letter of support dated January 28, 2012 from Florence Chessler (association unknown);

F. A five sentence November 29, 2011 letter from John J. Wilkins, D.O. stating that he had examined Respondent on November 2, 2011 and felt she was stable and did not need psychiatric medications or treatment at that time. He cleared her to work and recommended that she continue to seek counseling and attend AA or NA meetings to continue her sobriety; and

G. Six certified mail receipts indicating that Respondent had mailed items to the Board, RAMP, and a Deputy Attorney General in 2010.

5. By letter dated June 18, 2012, Ms. Hines was advised that the Board had determined that her submission did not adequately demonstrate that she was fit and competent to resume nursing practice and reiterated the requirement that she undergo a comprehensive mental health and substance abuse evaluation with a Board-approved

evaluator.

6. By letters dated June 22, 2012 and June 25, 2012, Ms. Hines was provided with the names and contact information for two Board-approved evaluators located in the southern portion of the State.

7. On July 10, 2012 and July 12, 2012, Ms. Hines underwent a comprehensive evaluation with Board-approved evaluator Richard A. Pessagno, DNP, RN, APN-C, a Board Certified Psychiatric Nurse Practitioner and Psychiatric Clinical Nurse Specialist. Mr. Pessagno recommended that "Ms. Hines not be permitted to return to work as a Registered Nurse" and surmised that her return to practice "would create a situation that would be unsafe for patients under her care." Mr. Pessagno cited her unstable psychiatric condition and unstable addiction history, which are not currently being treated or addressed, and concluded with the following: "The unpredictability of her behavior, her limited insight and judgment, and her substance abuse history have raised significant concerns about Ms. Hines becoming violent toward anyone involved in this process who has responsibility for limiting her ability to return to practice."

8. Respondent thereafter submitted additional information to a Deputy Attorney General which was forwarded to and reviewed by the Board. Respondent's entire submission consisted of the following

documents:

A. A two page August 14, 2012 letter from Respondent to a Deputy Attorney General replying to the letter of June 18, 2012;

B. A two page June 18, 2012 letter from a Deputy Attorney General to Respondent;

C. A four sentence September 24, 2010 unsigned letter from John J. Wilkins D.O. stating that he saw Respondent on September 13, 2010 for a psychiatric evaluation and saw no reason that she should not be able to return to work as a nurse. Respondent had reported that she was out of work for some time and needed clearance to return to work;

D. A November 29, 2011 letter from John J. Wilkins, D.O.;

E. A January 26, 2012 letter from Probation Division of Superior Court of New Jersey;

F. A one page June 3, 2010 letter from RAMP to Respondent indicating that a psychiatric evaluation would be required prior to reinstatement and that if Respondent already had a psychiatric evaluation done through her probation officer, then she may submit it for review;

G. Seven pages of Respondent's RAMP application from June 2010;

H. Four pages relating to Respondent's involvement from

June 2010 to May 2011 with RAMP's online monitoring system which requires daily check-ins and schedules random urine screens;

I. Five pages of 12-Step Documentation indicating Respondent's involvement from June 2010 to May 2011.

CONCLUSIONS OF LAW

The Board finds that Respondent is incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare within the intendment of N.J.S.A. 45:1-21(i). Respondent's interactions with the Board over the past few years and the recent report of her comprehensive mental health and substance abuse evaluation clearly demonstrate that Respondent cannot safely practice as a nurse. Respondent's issues are deep rooted and are not likely to resolve soon. The public relies on and trusts the Board to assure that nurses who care for vulnerable consumers are safe and competent to practice. Therefore we are unable at this time to permit Respondent to practice nursing.

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Reinstatement was entered on December 13, 2012 and a copy was forwarded to Respondent's last known address in Cherry Hill by means of both regular and certified mail. The Board received a signed certified mail receipt acknowledging delivery. The Provisional Order was subject to finalization by the Board at 5:00

p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

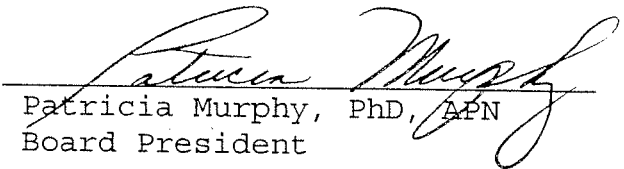
Although the record reflects that the Provisional Order was served upon Respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 1 day of Feb., 2013,
ORDERED that:

1. Kathy L. Hines's petition for reinstatement of her license to practice nursing in the State of New Jersey is hereby denied.

NEW JERSEY BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President